

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: COMMONWEALTH'S MOTION	:	No. 13-62
TO APPOINT NEW COUNSEL AGAINST	:	
OR DIRECTED TO DEFENDER	:	Miscellaneous Action
ASSOCIATION OF PHILADELPHIA	:	
	:	(Judge Rufe)

**COMMONWEALTH'S UNOPPOSED MOTION
TO SUPPLEMENT POST-ARGUMENT SUBMISSION**

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TO JUDGE CYNTHIA M. RUFÉ,
UNITED STATES DISTRICT COURT JUDGE:

AND NOW, comes Kathleen G. Kane, Attorney General of Pennsylvania, by Christopher J. Schmidt, Deputy Attorney General, who files this motion to supplement the Commonwealth's post-argument submission, (Doc. 30).

1. On May 7, 2013, this Court held an oral argument on this federal removal action.
2. On May 21, 2013, the Commonwealth filed a post-argument submission before the transcript of the oral argument of May 7, 2013, was produced. (Doc. 30).
3. On June 4, 2013, the Commonwealth received an email with the transcript of the oral argument of May 7, 2013, attached to the email.
4. On June 4, 2013, the Defender Association filed a response to the Commonwealth's post-argument submission. (Doc. 31).
5. The Commonwealth has now reviewed the transcript and understands that this Court did not order any post-argument briefing, but allowed the parties to file post-argument briefs. (N.T. Argument May 7, 2013, at 138).
6. The Commonwealth has reviewed the transcript and now understands all the issues that this Court requested, but not ordered, the parties to address in a post-argument brief.
7. The Commonwealth, therefore, respectfully requests leave to file a supplement to its post-argument brief now that it has been able to review the transcript of May 7, 2013.
8. The Commonwealth's supplement will only address issues that this Court requested information about at the oral argument of May 7, 2013, and which the Commonwealth did not address in its post-argument submission.

9. The Commonwealth can file the supplement to the post-argument submission on or before Friday, June 21, 2013.
10. The Commonwealth anticipates the supplement to be about 10 pages of text and it will not exceed 15 pages of text.
11. The Commonwealth does not object to the Defender Association being granted leave to respond to the Commonwealth's post-argument submission.
12. The Commonwealth contacted Mr. David Richman, Esq., counsel for the Defender Association, and he does not oppose the Commonwealth's instant request to file a supplement to its post-argument submission concerning issues that were not addressed in the Commonwealth's post-argument submission, and which the Commonwealth has now discovered that this Court requested, but not ordered, be addressed in a post-argument filing.
13. The Commonwealth, therefore, respectfully requests that this Court enter the attached order, which proposes a supplemental briefing schedule.

CONCLUSION

WHEREFORE, based on arguments stated above, the Commonwealth respectfully requests that this Court enter the attached order granting the Commonwealth's unopposed motion to supplement its post-argument submission.

Respectfully Submitted,

KATHLEEN G. KANE
Attorney General

LAWRENCE M. CHERBA
Executive Director
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JAMES P. BARKER
Chief Deputy Attorney General
Appeals and Legal Services Section

BY:

_____/s_____
CHRISTOPHER J. SCHMIDT
Deputy Attorney General
Pa. Bar No. 87617

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: COMMONWEALTH'S MOTION TO APPOINT NEW COUNSEL AGAINST OR DIRECTED TO DEFENDER ASSOCIATION OF PHILADELPHIA	: : : : :	No. 13-62 Miscellaneous Action (Judge Rufe)
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ORDER

IT IS HEREBY ORDERED THAT:

- 1) The Commonwealth's Unopposed Motion to Supplement Post-Argument Submission is hereby GRANTED;
- 2) The Commonwealth's supplement to its post-argument submission is due on or before June 21, 2013.
- 3) The Commonwealth's supplement to its post-argument submission will be no longer than 15 pages of text;
- 4) A response by the Defender Association of Philadelphia (FCDO) to the Commonwealth's post-argument submission is due 14 days after the Commonwealth files its supplement to its post-argument submission.

JUDGE CYNTHIA M. RUFÉ,
UNITED STATES DISTRICT COURT

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	:	(Judge Rufe)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing motion upon the person below
via the ECF filing system:

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BY:

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